

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>8:02CR424</b>
<b>vs.</b>	)	
	)	<b>ORDER</b>
<b>OTIS A. HOLFORD,</b>	)	
	)	
<b>Defendant.</b>	)	

Defendant Otis A. Holford (Holford) appeared before the court on April 20, 2007, on the Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 55). Holford was represented by Assistant Federal Public Defender David M. O'Neill and the United States was represented by Assistant U.S. Attorney Douglas R. Semisch. Through his counsel, Holford requested a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). The court heard the testimony of U.S. Probation Officer Douglas D. Steensma. I find there is probable cause that Holford has violated the conditions of his supervised release as alleged, and Holford should be held to answer for a final dispositional hearing before Chief Judge Joseph F. Bataillon.

The government moved for detention. Holford requested a detention hearing which was conducted forthwith. Through counsel, Holford proffered he would abide by conditions of release, obtain employment, and seek substance abuse treatment. Holford presented no other evidence. The government presented Exhibit 1, a report of Holford's arrest by the U.S. Marshal. Since it is Holford's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, I find he has failed to do so. In light of Holford's previous criminal record including a previous violation of supervised release, the circumstances of the current violations, and the circumstances of his arrest, the court finds Holford to be both a flight risk and a danger to the community. Holford should be detained pending a dispositional hearing before Chief Judge Bataillon.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:30 a.m. on May 10, 2007**. Defendant must be present in person.
2. Defendant Otis A. Holford is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 20th day of April, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge